

TOWN OF READING

ZONING BOARD OF APPEALS

DECISION ON THE PETITION OF JACK MILLERICK D/B/A THE DIRTY DOODLE
FOR THE PROPERTY LOCATED AT 143 MAIN STREET, READING, MASSACHUSETTS

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October 4, 2012

Case No. 12-13

The Zoning Board of Appeals (the "Board") held a public hearing on Thursday, October 4, 2012, in the Selectmen's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts, to hear the petition of Jack Millerick d/b/a The Dirty Doodle (the "Petitioner"). The Petitioner sought a Special Permit under Section 4.2.2 of the zoning by-laws to operate a dog boutique and to provide on-site self-wash dog grooming facilities and offer off-site pet services (photographs, training and walking) on the property located at 143 Main Street, Reading, Massachusetts (the "Property").

The Property is located in a Business A district. The first floor of the building of the Property is a commercial space for which the Petitioner has executed a retail lease. The Property allocates five parking spaces for use by the first floor tenant in conformance with the Zoning By-laws.

Attorney Joshua Latham represented the Petitioner and explained that the Petitioner proposes to use the Property as a retail dog boutique offering for sale high quality dog foods, supplements and products. Attorney Latham stated that the Petitioner plans to offer off-site services such as pet photography and dog walking. In addition, Attorney Latham stated that the Petitioner intends to use a portion of the Property to provide on-site self-wash dog grooming facilities. The Petitioner stated that about one-third of the retail space will be devoted to the self-wash dog grooming facilities.

Following a presentation by Attorney Latham, discussion and comment by Board members and, then opening the hearing to public comment (no public comment was received), the Board concluded the operation of a dog boutique and on-site self-wash dog grooming facilities at 143 Main Street was similar to the Consumer Services and Veterinary Establishment Uses currently listed in Table 4.2.2 Table of Uses in the Zoning By-Laws.

Accordingly, a motion was made and seconded, and the Board voted unanimously (5-0-0) to grant the Petitioner's request for a Special Permit under Section 4.2.2 of the Zoning By-Laws to operate a dog boutique and on-site self-wash dog grooming facilities with off-site pet services at 143 Main Street, with the following conditions:

1. Pets will not be housed overnight.
2. There will be no pet day care.
3. There will be no outdoor pet activity on site.

Any person aggrieved by this decision of the Board may appeal to the appropriate court pursuant to M.G.L. c. 40A, § 17, within twenty (20) days after the date of filing this Decision with the Town Clerk. Notice of appeal with a copy of the complaint must also be filed with the Town Clerk within twenty (20) days as provided in § 17.

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This Special Permit shall not take effect until a copy of this Decision, bearing certification of the Town Clerk that twenty (20) days have elapsed after the Decision was filed in the Office of the Town Clerk and no appeal has been filed, or if an appeal has been filed within such time, that it has been dismissed or denied, is recorded in the Middlesex South District Registry of Deeds and indexed in the Grantor's Index under the name of the owner of record, or is recorded and noted on the Owner's Certificate of Title. The fee for recording or registering shall be paid by the Owner or Petitioner. Any person exercising rights under a duly appealed Special Permit does so at the risk that a court may reverse the permit and that any construction performed under the permit may be ordered to be undone.

ON BEHALF OF THE READING ZONING BOARD OF APPEALS


Damase Z. Caouette, Chairman

Zoning Board Members voting on Case # 12-13
Damase Caouette, Robert Redfern, John Jarema, David Traniello, Kathleen Hackett