



TOWN OF YARMOUTH
BOARD OF APPEALS
DECISION

FILED WITH TOWN CLERK: December 16, 2010

PETITION NO: #4324

HEARING DATE: December 9, 2010

PETITIONER: Derek A. & Lindsey M. Malouin, dba, Paws Dream
Doggie Daycare

PROPERTY: 10 Corporation Road, Units D, E, & F, Yarmouthport
Map & Parcel: 0093.26; Zoning District: B3
Book & Page: 3320/173

MEMBERS PRESENT AND VOTING: Steven DeYoung, Chairman, Sean Igoe, Diane Moudouris, Joseph Sarnosky, Richard Neitz and Robert Howard, Alternate.

Notice of the hearing has been given by sending notice thereof to the Petitioner and all those owners of property as required by law, and to the public by posting notice of the hearing and publishing in *The Register*, the hearing opened and held on the date stated above.

The Petitioners are Derek A. and Lindsey M. Malouin, d/b/a Paws Dream Doggie Daycare. The Petitioners seek a Special Permit for use of an existing structure as a doggie daycare use at Units D, E and F, 10 Corporation Road, Yarmouth Port, MA property located in the B-3 Zoning District.

The Petitioners' business is well-established, having been located in Hyannis for a number of years. From correspondence received and testimony heard from Alan Larson (a customer) the service provided by the Petitioners is needed and well run.

The business is intended to provide dog sitting services during daily operating hours (usually 6:30 a.m. to 6:00 p.m.), dog training (up to 8:30 p.m.) and 24 hour dog boarding. Bathing/grooming of animals is not a common occurrence but is provided from time-to-time. The Board did have concerns over waste removal and the Petitioners were quick to allay any such concerns. This business was generally felt to be a welcome addition to the Yarmouth business community and its location a desirable one.

The Board felt that a grant of Special Permit for use under Use Regulation Schedule §202.5 (J-6) would not create any undue nuisance, hazard or congestion nor create any substantial harm to the established or future character of the neighborhood or Town. Accordingly, after reviewing 9 exhibits (photographs) submitted by the Petitioners, it was unanimously voted to allow the grant of Special Permit on the following conditions:

1. Refuse, including animal waste, shall be removed from the premises on a reasonably as needed basis and/or as directed by the Board of Health; and,
2. No dogs are to be outside of the three units after 9:00 p.m. on any day.

No permit shall issue until 20 days from the filing of this decision with the Town Clerk. This decision must be recorded at the Registry of Deeds and a copy forwarded to the Board of Appeals. Appeals from this decision shall be made pursuant to MGL c40A section 17 and must be filed within 20 days after filing of this notice/decision with the Town Clerk. Unless otherwise provided herein, the Special Permit shall lapse if a substantial use thereof has not begun within 24 months. (See bylaw §103.2.5, MGL c40A §9)

Steven DeYoung, Chairman