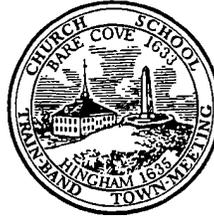


TOWN OF HINGHAM

OFFICE OF TOWN CLERK



2018 00033027
Bk: 49759 Pg: 74 Page: 1 of 5
Recorded: 05/02/2018 03:11 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds



2018 00771211
Bk: 00509 Pg: 47 Cert: 101847
Doc: NOTC 05/02/2018 02:59 PM
ATTEST: John R. Buckley, Jr. Register
Plymouth County Registry of Deeds

RE: A Fox & Hounds Pet Care, Inc
211A Lincoln Street
Hingham

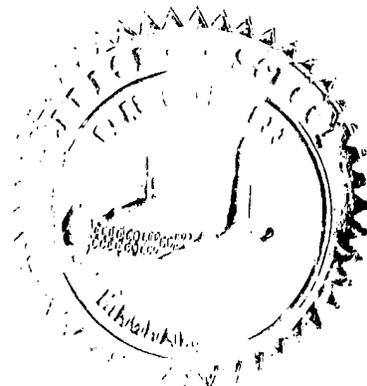
I, Jacqueline Berard, Assistant Town Clerk of the Town of Hingham, hereby certify that the foregoing is a true copy of a decision of the Zoning Board of Appeals filed with this office on April 11th, 2018.

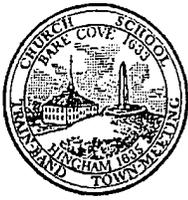
No notice of appeal therefrom was filed with this office within the twenty days next following the date of the filing of these decisions, or if such an appeal has been filed, it has been dismissed.

Witness my hand and the seal of the Town of Hingham, this 2nd day of May, 2018.

ATTEST

Jacqueline Berard
Assistant Town Clerk

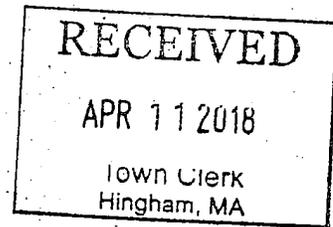




TOWN OF HINGHAM

Board of Appeals

NOTICE OF DECISION SPECIAL PERMIT A1



IN THE MATTER OF:

Applicant: A Fox & Hounds Pet Care, Inc. **Agent:** Bruce A. Issadore
12 Grove Street
Norwell, MA 02061 17 Accord Park Dr.
Norwell, MA 02061

Owner: S. John Hajjar, Trustee
Anchor Plaza Realty Trust
134 East Howard Street
Quincy, MA 02169

Property: 211A Lincoln Street, Hingham, MA 02043

Deed Reference: Plymouth County Registry of Deeds, Book 22660, Page 46 and
Certificate of Title No. 101847 issued by the Plymouth County Registry District
of the Land Court

Plan Reference: Plan entitled, "Construction Plan," prepared by db2/ARCHitecture, 5 Lowell
Avenue, Winchester, MA, dated November 15, 2012

SUMMARY OF PROCEEDINGS

This matter came before the Board of Appeals (the "Board") on the application of A Fox & Hounds Pet Care, Inc. (the "Applicant") for a Special Permit A1 under § III-A, 4.5 of the Zoning By-Law (the "By-Law") and such other relief as necessary to renovate an existing tenant space and fence in a corridor at the Anchor Plaza Shopping Center, 211A Lincoln Street, for use as dog training and socialization services, along with related retail sales in Business District B.

A public hearing was duly noticed and held on March 27, 2018 at the Town Hall, 210 Central Street. The Board panel consisted of its regular members: Robyn S. Maguire, Chairman, and Joseph M. Fisher, and associate member Michael Mercurio. The Applicant was represented by Attorney Bruce A. Issadore, Issadore Law, LLC. At the conclusion of the hearing, the Board voted unanimously to grant a Special Permit A1 under § III-A, 4.5 of the By-Law, subject to the conditions set forth below.

Throughout its deliberations, the Board has been mindful of the statements of the Applicant and the comments of the general public, all as made or received at the public hearing.

BACKGROUND

The subject property consists of multiple parcels that in combination total approximately 5.6 acres in size. The site is bifurcated by a zoning district boundary line, with the front portion zoned Business B and the rear zoned Residence A. The property supports a multi-tenant shopping center, which presently includes two health clubs and restaurants.

The Applicant would like to locate a business that offers dog training, dog socialization services, and related retail sales within an existing 5,936 SF tenant space. The proposed plan also calls for an existing exterior corridor to be fenced in and used for outdoor dog training, including house-breaking, leash walking, and acclimation to environmental stimuli. The Applicant represented during the hearing that the proposed use would not operate like a typical boarding facility since there would be no overnight stays allowed.

Before and during the hearing, the Board received significant public comment from abutters to the Property and customers of the Applicant's existing doggie day care facility in Norwell. These comments included statements in both support and opposition to the application. In response, the Board discussed at length appropriate conditions to mitigate any potential impacts on nearby residential properties that could result from the allowed use in a Business District.

FINDINGS

Based upon the information submitted and received at the hearing, the Board made the following findings:

- a. **The proposed use of the site is in harmony with the general purpose and intent of the Zoning By-Law, for the following reasons:**
The proposed use is allowed by special permit in Business District B. It is consistent with the general purposes of the By-Law.
- b. **The proposed use complies with the purposes and standards of the relevant specific sections of this By-Law, for the following reasons:**
The proposed use complies with the purposes and standards of the By-Law, including Special Condition 2 in Section III-B, which requires the use to be conducted on a lot consisting of at least 2 acres and placed more than 40-feet from property lines.
- c. **The specific site is an appropriate location for such use, structure, or condition, compatible with the characteristics of the surrounding area, for the following reasons:**
The property is an appropriate location for the proposed business. The use is consistent

with existing service businesses within the Anchor Plaza Shopping Center and along the Route 3A commercial corridor.

- d. The use as developed and operated will create positive impacts or potential adverse impacts will be mitigated, for the following reasons:**
The use is centrally located within the existing buildings, so as to provide an adequate buffer to abutting residential neighborhoods. The outdoor training area will be managed in an effort to minimize any potential negative impacts resulting from barking dogs. Conditions will be imposed to mitigate any potential perceived negative impacts.
- e. There will be no nuisance or serious hazard to vehicles or pedestrians, for the following reasons:**
Dogs will be required to be leashed when outside the enclosed space of the business. No nuisance or hazard will result from the proposed use.
- f. Adequate and appropriate facilities exist or will be provided for the proper operation of the proposed use, for the following reasons:**
The proposed use will be located within an existing tenant space. Adequate facilities exist to support the use.
- g. The proposed Project meets accepted design standards and criteria for the functional design of facilities, structures, stormwater management, and site construction, for the following reasons:**
No exterior work, other than a fenced enclosure, is proposed in connection with the proposed use.

DECISION

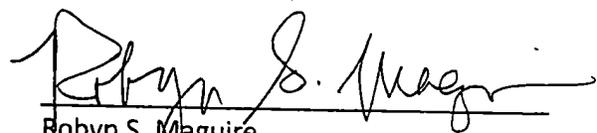
Upon a motion made by Joseph M. Fisher and seconded by Michael Mercurio, the Board voted unanimously to GRANT a Special Permit A1 under § III-A, 4.5 of the Zoning By-Law (the "By-Law") and such other relief as necessary to renovate an existing tenant space and fence in a corridor at the Anchor Plaza Shopping Center, 211A Lincoln Street, for use as dog training and socialization services, along with related retail sales, subject to the following conditions:

- 1. The Applicant shall operate the use, which consists of dog training and socialization services, along with related retail sales, in a manner consistent with the approved plans and the representations made at the hearing before the Board.
- 2. The hours of operation for the business shall be limited to 6:30am – 7:00pm on weekdays only.

3. The hours of operation for the exterior dog training area shall be limited to 9:00am – 5:00pm on weekdays only.
4. The proposed exterior fenced enclosure for use as a training and socialization area shall be limited to the straight portion of the existing exterior corridor, which is approximately 12' by 80' in size.
5. Any training and socialization services conducted in the exterior fenced area shall be limited to no more than 10 dogs at a time, in 20 minute increments, with a minimum of 1 employee supervising the dogs at all times. Any barking dog that cannot be silenced shall be immediately relocated to the interior of the business.
6. The exterior fenced area will be rinsed on a daily basis and a service will be engaged to remove excrement from the Property.
7. All pick up and drop off by customers of the business shall be from the front parking lot.
8. The Applicant shall adhere to the maximum decibel levels established by the Hingham Noise Bylaw.
9. Within 12 months of commencing operations, the Applicant shall request a noticed public hearing before the Board to review the operation. The Applicant shall bear the costs of noticing the hearing.

This decision shall not take effect until a copy of the decision bearing the certification of the Town Clerk, that twenty (20) days have elapsed since the decision has been filed in the office of the Town Clerk and no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied, is recorded with the Plymouth Registry of Deeds and/or the Plymouth County Land Court Registry, and indexed in the grantor index under the name of the record owner or is recorded and noted on the owner's certificate of title.

For The Board of Appeals,



Robyn S. Maguire
April 10, 2018

A TRUE COPY
ATTEST:
Eileen A. McCracken
TOWN CLERK