



EAST LONGMEADOW PLANNING BOARD

Tuesday, January 19, 2021

6:00 PM Eastern Time (US and Canada)

Zoom Webinar

MINUTES

Chair Russell Denver opens the meeting at 6:00 pm and called the roll.

Present: Russell Denver, Chair
George Kingston, Vice Chair
Tyde Richards, Clerk
Jonathan Torcia
Pete Punderson

Staff Present: Bethany Yeo, Planning & Community Development Director
Rebecca Jones, Planning & Community Development Administrative Assistant

APPROVAL OF MINUTES

January 5, 2021

Motion to approve made by Pete Punderson; second by Tyde Richards and approved by roll call vote five (5)-zero (0).

SITE PLAN WAIVER REQUESTS

SPRW 2021-02: Request for Site Plan Review Waiver for the installation of five (5) solar carports at 90 Denslow Rd (Assessor's Parcel ID 10-15-1) on a 17.54 +/- acre site located in the Industrial Garden zoning district. Applicant: John Maybury, 90 Denslow Road, East Longmeadow, MA 01028.

Applicant John Maybury was present for discussion. Mr. Maybury recently went before the Conservation Commission who confirmed that the proposed project was well within the wetlands boundaries. He hopes to take advantage of the mild winter weather. This would also allow the trucks and trailers in his fleet to be covered and protected. Vice Chair George Kingston suggested that Mr. Maybury re-file this application as a modification to the existing Special Permit and grant him a temporary waiver until the application is received. Clerk Tyde Richards remarked that any work done by Mr. Maybury would be completed at his own risk once the modification is received.

Motion to approve with an understanding that the modification to the existing site plan be filed in the near future made by Vice Chair George Kingston; second by Board member Peter Punderson and approved by roll call vote five (5)-zero (0).

ANR

1. **ANR 2021-01: 392 Porter Road** – Request by applicant for endorsement of a plan believed not to require subdivision approval under Subdivision Control Law to combine 392 Porter Road (Assessor's Parcel ID 70-2-0) and Porter Road (Assessor's Parcel ID 70-3-0) into a combined parcel totaling 1.53 +/- acres located in Residence A zoning district. Applicant: Raymond Guilbert, 392 Porter Road, East Longmeadow, MA 01028.

Applicant representative Mike Smith of Smith Associates Surveyors, Inc. was present for discussion. The homeowners have two parcels in their deed and in order to construct a storage shed, the lots must first be combined according to the Building Department. Vice Chair George Kingston noted that a principal building must be determined before the addition of an auxiliary building. Mr. Smith noted he believed this was the intent of the application. No further comments from the Board.

Motion to endorse plans made by Vice Chair George Kingston; second by Board member Pete Punderson and approved by roll call vote five (5)-zero (0).

OTHER BUSINESS

1. Public meeting: Petition of revocation of Special Permit (SP 2017-04) for Pampered Pets Doggy Daycare & Spa, a daytime doggy daycare at 576 North Main Street, East Longmeadow, MA 01028 c/o Denise Degon due to violations of Special Permit Conditions 7, 10 and 12.
Petitioner: Town of East Longmeadow, 60 Center Square, East Longmeadow, MA 01028.

Chair Russell Denver laid out the ground rules of the public meeting, including the order of speakers and time limits. Mr. Denver requested that any speakers must direct their comments anything they may know regarding the alleged violations of the Special Permit and nothing further. Mr. Denver also noted that several letters of reference were provided to the Planning Board by Denise Degon's attorney and those are part of the public record for this meeting.

Melissa Defino-Legacy, Town of East Longmeadow Animal Control officer, Mary McNally, Town Manager, and Kevin Duquette, Building Inspector were added to the meeting. Mr. Duquette noted that his Notice of Violation was based off Ms. Defino-Legacy's report in her capacity as Animal Control Officer. He stated that Conditions Nos. 7, 10 and 12 were violated as detailed in his notice.

Mr. Duquette read the details of each condition for the Board's reference. [*A copy of the Zoning Violation is attached hereto as Attachment 1*]. Clerk Tyde Richards confirmed that Denise Degon, holder of Special Permit is a tenant and not the property owner. Ms. Defino-Legacy gave a brief overview of the report she issued to Mr. Duquette. Mr. Denver asked if Ms. Defino-Legacy felt as though Ms. Degon and the daycare did not supervise all of their dogs and as a result, there was a physical altercation amongst the animals to which she agreed. She further stated that she was unable to appropriately quarantine the affected dogs because inaccurate information was given regarding the addresses of the dogs in attendance at the time of the incident. It was Ms. Defino-Legacy's opinion that the lack of cooperation by Ms. Degon impacted her ability to do her job on behalf of the Town of East Longmeadow.

Mr. Denver then entertained comments from Ms. McNally and Mr. Duquette, who both had no further comment. Mr. Denver then entertained questions from the Board to the Town employees. Board member Pete Punderson asked Ms. Defino-Legacy if she was aware of any overnight boarding that occurred at the facility. Ms. Defino-Legacy stated there was no official kennel license filed with the Clerk's Office so she was unable to inspect as required by the license terms. Clerk Tyde Richards asked why false addresses would be given to Ms. Defino-Legacy for the purposes of quarantine. She stated that she did not know and that Ms. Degon did ask if her clients were going to be contacted. Ms. Legacy confirmed that she now has a list of the dogs from East Longmeadow that were either affected or involved in the incident. Mr. Punderson confirmed that there was a two day delay between the date of incident and the Town being notified of the incident.

Special Permit holder Denise Degon and her legal counsel, Jane Mantolesky, Esq. were added to the meeting. Attorney Mantolesky stated that on the day of the incident, one employee was present at the facility with five dogs. The employee was attending to one dog while her back was turned to the other dogs. When she turned around, she attempted to break up the dogs including using a water hose. Attorney Mantolesky stated that she did try her best and eventually was able to separate them and Ms. Degon arrived back at the facility less than ten minutes later. Ms. Degon applied hydrogen peroxide and wrapped the dog in a blanket and delivered it to the owner's vehicle. Chair Russell Denver asked for clarification regarding what dog Ms. Troy was tending to at the time of the incident as statements had been made that she was caring for her own dog. Attorney Mantolesky stated that was not accurate and Ms. Defino-Legacy provided clarification to the same. Attorney Mantolesky also stated that Ms. Degon was very responsive throughout the investigation and that there was no intentional alluding with respect to the dogs in attendance the day of the incident. Mr. Denver asked for clarification regarding staffing on the day of the incident and requested information about an established staffing plan in order to maintain appropriate ratios. Ms. Degon stated that she maintains appropriate staffing and that the national average ratio is 1 staff to every 15 dogs. She states that she has meetings with her staff to address the appropriate coverage.

Ms. Degon stated that she did have three staff but there was only one employee present in the building with five or six dogs. Attorney Mantolesky gave a brief overview of the materials submitted to the Planning Board on behalf of Ms. Degon. Clerk Tyde Richards asked why the employee on site was terminated immediately after the incident. Ms. Degon stated that was not satisfied with her actions and didn't feel as though she was the best fit for the position. Board member Pete Punderson asked training requirements for the employees of Pampered Pets. Ms. Degon stated that most employees receive trainings and certifications prior to employment. She has facilitated First Aid and CPR trainings for her employees. Mr. Punderson also asked why the affected dog was not brought to the East Longmeadow Animal Hospital considering its proximity to the facility. Ms. Degon stated that most of the bleeding was internal and from what she saw, she didn't feel like it was necessary. She stated that dog owner Amy Baxter arrived within fifteen minutes. Board member Jonathan Torcia asked what the intake process was for new dogs. Ms. Degon explained that there is an intake form to be filled out by prospective owners and that she excludes purebred pit bulls, rottweilers and other "high risk" dogs. She stated she has had minimal behavioral issues throughout operation and is devastated by this occurrence.

Ms. Degon and Attorney Mantolesky were excused from the meeting and Amy Baxter, the owner of the affected dog and her legal counsel, Jeremy Cohen, Esq. were added to the meeting. Attorney Cohen opined that the Town of East Longmeadow should have never issued a special permit to Ms. Degon because she never applied for a commercial kennel license. He reviewed the terms of the special permit and noted specific references that he believed Ms. Degon violated. Ms. Baxter reviewed the timeline of the events. She stated she dropped her dog Ollie off at Pampered Pets at 1:00pm and received a text message at 3:30pm that stated "Ollie has a big cut and needs to go to the vet". Ms. Baxter explained that the staff member on site had been employed for three weeks and was not trained in proper emergency protocol. As a result of this injury, Ollie went into shock and died two months later. Chair Russell Denver entertained questions of the Board. At Mr. Denver's request, Attorney Cohen reviewed eight mechanisms under \$50.00 that could have been purchased and used to break up the dog fights. He noted that Ms. Degon had none on site.

Chair Russell Denver entertained comments from the public. Renee Broadbent, client of Pampered Pets, spoke on behalf of Ms. Degon. She stated that she has always felt safe while her pet attended the facility.

Kathy Page spoke on behalf of her sister-in-law Kathleen Norman. Her dog attended Pampered Pets for a year and a half. Two weeks after the incident with Ms. Baxter's dog, Ms. Norman's dog was severely bitten at Pampered Pets. Ms. Norman was notified at pick up that her dog was involved in a "tussle". The dog later was seen by a vet and the dog had suffered seven puncture wounds. Ms. Norman was unable to provide vaccination information to the veterinarian because she did not have information about what dog(s) were involved in the incident. Ms. Norman feels as though there is clear lack of communication. Ms. Norman requested insurance information from Ms. Degon on behalf of Pampered Pets and Ms. Degon has been unable to furnish anything further.

Heidi Tariff spoke on behalf of Casey Wilson, who was employed by Pampered Pets in December, 2018. Ms. Wilson stated in a letter read by Ms. Tariff that she was offered the job on the spot as an "under the table" employee. She stated she was regularly left alone for several hours at a time immediately upon start. She stated that she had been employed by several dog daycares and kennels prior to Pampered Pets and was alarmed at the lack of screening done by Ms. Degon upon taking new dogs in and acclimating them to the facility. She opined that the design of the indoor facility is unsafe as all dogs must travel through one narrow hallway. Ms. Wilson stated that she attempted to use a white board to track dog compatibilities and Ms. Degon regularly ignored her suggestions. Ms. Wilson's biggest concern was the lack of training or planning for emergency situations, including a fire or dog bite.

Jenny Mathers, President of JM Pet Resort and JM Pet Vet Clinic spoke to the industry standards for dog daycares and kennels. She noted that while the industry standard is one staff per fifteen dogs, there should always be a backup staff on premises for emergencies. She opined that not providing staff with appropriate training is grossly negligent. She gave a brief overview of potential strategies that Ms. Degon's staff could have used during the incident. Ms. Mathers expressed concerns regarding the physical setup of the facility and its effect on supervision.

Jamie Wainwright spoke on behalf of Ms. Degon. She worked with her professionally and personally for several years and spoke to her dedication to her profession.

Chair Russell Denver entertained questions from the Board Members. Vice Chair George Kingston asked Ms. Defino-Legacy if she was ever alerted to the second incident at Pampered Pets detailed by Ms. Page. Ms. Defino-Legacy stated that the incident with Ollie was the only incident on record for Pampered Pets. Mr. Denver brought Kevin Duquette, Building Inspector to the meeting. Mr. Denver asked both Mr. Duquette and Ms. Defino-Legacy if either had been inside the facility and they both noted they had not gone past the lobby. Mr. Denver asked Mr. Duquette if there was a site plan of the interior of the building on file, to which he replied that the only site plan in his possession shows the exterior of the building.

Clerk Tyde Richards reviewed his concerns regarding the investigation, which include proper supervision, staffing and lack of recordkeeping by Ms. Degon. He also was alarmed that the employee involved in the incident was fired immediately. Vice Chair George Kingston stated that he does not have expertise in animal management and found out through research that there are no state regulations on this type of facility. He felt as though the Planning Board has to be careful to not put

themselves in a position to lay down regulations of which they are not qualified to do so. He does feel that adequate supervision was not there and that is what the violations are focused around. Mr. Richards reiterated his concern about minimal staffing and opined that having at least two staff on site at all times could provide better supervision. Board Member Jonathan Torcia echoed Mr. Kingston's sentiments. Chair Russell Denver stated that if Ms. Degon had the adequate supervision, the incident with Ollie would have not been so dire.

Motion to revoke Special Permit for Pampered Pets Doggie Daycare held by Denise Degon made by Board member Pete Punderson; second by Vice Chair George Kingston and approved by roll call vote five (5)-zero (0).

Further discussion ensued regarding the Board's reasoning behind the decision. Clerk Tyde Richards noted that this must be addressed as to prevent any future incidents of varying severities to occur. Chair George Kingston commented that he hoped that the Planning Board would reconsider a new application from Ms. Degon with stricter controls in the future should she desire to reopen her facility. All the Board members agreed to Mr. Kingston's comments. Mr. Denver also suggested training schedules, a permanent staffing plan and regular inspections that could be added as conditions.

2. 2020 Town Report

Vice Chair George Kingston opined that the revised copy circulated by Bethany Yeo, Planning and Community Development Bethany Yeo was acceptable. The Board members agreed to submit it as is to the Town Manager.

3. Miscellaneous

Chair Russell Denver asked about the next steps regarding the solar moratorium and Ms. Yeo discussed next steps. Ms. Yeo also reviewed the updates from the Master Plan 2030, which included an upcoming discussion on the data points collected by PVPC. The next event is a Visioning Session via Zoom on February 13, 2021 where all are invited to attend to share their vision for the future of East Longmeadow.

ADJOURN Motion to adjourn made by Board member Pete Punderson; second by Clerk Tyde Richards and approved by roll call vote five (5)-zero (0) at 7:53 pm.

Respectfully submitted.

Rebecca A. Jones,
Planning & Community Development Administrative Assistant