



THE DAILY NEWS TRIBUNE

Daily News Tribune, The (Waltham, MA)

October 3, 2007

Board takes bite out of kennel fight

Witnesses claim the home was always used for canine boarding

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Section: News

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WALTHAM - Pet lovers stood elbow to elbow in the Zoning Board of Appeals meeting room in Government Center last night, with several more just outside the door and lining up in the hall.

Audience members at the public hearing urged the board to allow Skipton Kennel & Pet Center to remain in business.

"That house has been a kennel since dirt was invented," said former kennel worker Christopher Fraize, who drove from Maine last night to testify before the zoning board.

Owner Steven Carlin was before the board for a third time since the city's Building Department issued a cease-and-desist order in June, saying Carlin expanded the kennel without obtaining a required special permit. Carlin's property at 20 Linden St. includes an animal clinic and single-family home. The city claims Carlin illegally expanded the kennel into the house and its yard, which prompted complaints of

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KENNEL, From A1 excessive barking and odor from neighbors.

But Carlin and his attorneys argue the house has been used as a kennel continuously since the 1950s, before zoning guidelines changed to require the special permit.

Carlin bought the property from Dr. Seymour Bigman in 2003. Carlin's lawyers say Bigman used both the animal hospital and the house to board pets the entire time he owned it. Fraize worked for Bigman in the 1980s and said he cleaned pens inside the home, where dogs were frequently kept.

The city previously showed tax assessor records signed by Bigman during that same time period, stating the home was used for residential purposes only. Fraize said Bigman probably did not disclose using the house as a kennel to get a better tax benefit.

After hearing two and half hours of arguments, the board voted to continue the case once more until Nov. 27. The kennel can continue operating while Carlin's lawyers apply for a special permit.

"This has been a first," said board Chairwoman Barbara Rando, who repeatedly asked for records to support Carlin's claims during the hearing.

Craig Tateronis, Carlin's lawyer, said records of receipts going back 50 years just do not exist.

"People don't typically retain those types of records -they're not required to," Tateronis said.

Tateronis argued his client was put "on the defensive" because a couple of neighbors did not like living next to the kennel and "were able to put pressure on the Building Department." Once the department issued the cease-and-desist order, the burden of proof fell entirely on Carlin to show the home always boarded dogs.

"We've been put in almost an impossible position ... to defend ourselves in this case," he said.

Neighbors say new pens and dog runs were put in the yard of the home after Carlin bought the property.

Attorney William Gens, hired by an Ellison Park family whose backyard is right behind the kennel, showed the board pictures taken between 2001 and 2003 showing the house at 20 Linden St. without any dog runs or pens in the yard.

About 10 audience raised their hands to oppose the kennel while at least four times as many raised their hands in support of the business.

Tateronis presented several sworn statements from kennel patrons who said they boarded dogs in the home as far back as the 1950s.

However, the city also produced sworn statements from residents and city officials claiming there were times the home was a residence only. Rando and other board members did not want to base a decision on the conflicting testimonies alone.

School Street resident Terry Marks was one of several kennel patrons to speak. Marks said the house is used for animals who are older or sick that need "special care" and "24-hour supervision."

"This is a very needed thing. Find a compromise, don't shut it down," he said.

Board member Oscar LeBlanc said he sympathizes with Carlin's predicament. The audience applauded when he made the motion to grant Carlin an extension to keep the kennel going until the special permit application.

If the board grants a special permit, they have the authority to impose conditions on Carlin, such as limiting the number of dogs boarded in the house and kept in its yard.

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Memo:

"That house has been a kennel since dirt was invented." former kennel worker

Christopher Fraize